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23 UNITED STATES DISTRICT COURT

24 NORTHERN DISTRICT OF CALIFORNIA

25 SAN FRANCISCO DIVISION

26 SONOS, INC.,

27 Plaintiff,

28 vs.

29 GOOGLE LLC,

30 Defendant.

Case No. 3:20-cv-06754-WHA

Consolidated with Case No. 3:21-cv-07559-WHA

**DECLARATION OF JOCELYN MA IN
SUPPORT OF SONOS, INC.'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED RE SONOS, INC.'S PROFFER
OF TESTIMONY OF ALAINA
KWASIZUR (DKT. 704)**

I, Jocelyn Ma, declare and state as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate at Quinn Emanuel Urquhart & Sullivan LLP representing Google LLC (“Google”) in this matter. I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. I make this declaration in support of Sonos, Inc.’s (“Sonos”) Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed (“Administrative Motion”) (Dkt. 704) filed in connection with Sonos’s Proffer of Testimony of Alaina Kwasizur (“Proffer”) (Dkt. 705). If called as a witness, I could and would testify competently to the information contained herein.

3. Google seeks an order sealing the materials as listed below:

Document	Portions Sonos Sought to Be Filed Under Seal	Portions Google Seeks to Be Filed Under Seal	Designating Party
Kwasizur Declaration in Support of Sonos’s Proffer	Entire Document	Entire Document	Google
Exhibit 1 to Kwasizur Declaration	Entire Document	Entire Document	Google
Exhibit 2 to Kwasizur Declaration	Entire Document	Entire Document	Google
Exhibit 5 to Kwasizur Declaration	Entire Document	Entire Document	Google
Exhibit 6 to Kwasizur Declaration	Entire Document	Entire Document	Google
Exhibit 7 to Kwasizur Declaration	Entire Document	Entire Document	Google
Exhibit 9 to Kwasizur Declaration	Entire Document	Entire Document	Google
Exhibit 10 to Kwasizur Declaration	Entire Document	Entire Document	Google
Exhibit 11 to Kwasizur Declaration	Entire Document	None	Google
Exhibit 12 to Kwasizur Declaration	Entire Document	Entire Document	Google
Exhibit 13 to Kwasizur Declaration	Entire Document	Entire Document	Google

Exhibit 14 to Kwasizur Declaration	Entire Document	Entire Document	Google
Exhibit 15 to Kwasizur Declaration	Entire Document	None	Google
Exhibit 17 to Kwasizur Declaration	Entire Document	None	Google

4. I understand that this Court has analyzed sealing requests in connection with evidentiary matters pursuant to the “good cause” standard for non-dispositive motions. *See, e.g., Gearsource Holdings, LLC v. Google LLC*, No. 18-CV-03812-HSG, 2021 WL 1123630, at *2 (N.D. Cal. Feb. 24, 2021) (“Because Defendant’s motion *in limine* is not a dispositive motion, the Court applies the lower good cause standard.”); *Racies v. Quincy Bioscience, LLC*, No. 15-CV-00292-HSG, 2019 WL 8438448, at *1 (N.D. Cal. Dec. 16, 2019) (“Because the parties move to file documents related to their motions *in limine*, the Court will apply the lower good cause standard.”); *TVIIM, LLC v. McAfee, Inc.*, No. 13-CV-04545-HSG, 2015 WL 3776424, at *2 (N.D. Cal. June 16, 2015) (“Because motions *in limine* are nondispositive motions, the Court applies the ‘good cause’ standard to the pending motions to seal.”). I also understand that material that is confidential and could harm a litigant’s competitive standing if disclosed may be sealed under the good cause standard. *See, e.g., Skillz Platform Inc. v. AviaGames Inc.*, No. 21-CV-02436-BLF, 2022 WL 875654, at *2 (N.D. Cal. Mar. 24, 2022) (finding “good cause to file the documents and portions of documents at issue under seal given the sensitive financial and business information they contain”); *Dugan v. Lloyds TSB Bank, PLC*, No. 12-CV-02549-WHA NJV, 2013 WL 1435223, at *2 (N.D. Cal. Apr. 9, 2013) (“There may be ‘good cause’ to seal records that are privileged, contain trade secrets, contain confidential research, development or commercial information, or if disclosure of the information might harm a litigant’s competitive standing.”).

5. The Kwasizur Declaration in Support of Sonos’s Proffer and Exhibits 1, 2, 5, 6, 7, 9, 10, 12, 13, and 14 contain information regarding Google’s licensing negotiations with Sonos that is not public. I understand that public disclosure of this information would harm Google’s competitive standing and its ability to negotiate future licensing agreements by giving competitors access and insight into Google’s highly confidential business thinking and asymmetrical

1 information about Google's licensing strategies to other entities. If such information were made
2 public, I understand that Google's competitive standing would be significantly harmed. I also
3 understand that this Court has previously granted sealing of the same and/or similar information. *See*,
4 *e.g.*, Dkt. 334 at 5.

5 I declare under penalty of perjury under the laws of the United States of America that to the
6 best of my knowledge the foregoing is true and correct. Executed on May 17, 2023, in San Francisco,
7 California.

8 DATED: May 17, 2023

9 By: /s/ Jocelyn Ma
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